IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 2562 of 2007()

C.C.NO.815/03 OF CHIEF JUDICIAL MAGISTRATE COURT, ERNAKULAM
CRIME NO.537/02 OF ERNAKULAM CENTRAL POLICE STATION

PETITIONER: ACCUSED NO.2 IN CC:

RENJU G.NAIR, S/O. GOPALAN NAIR,
AGED 22 YEARS, RESIDING AT MANJU BHAVANAM,
MADANPPARA KARA, THANNITHODU VILLAGE,
KOZHENCHERRY TALUK.

BY ADV. SRI.P.GOPAKUMARAN NAIR

RESPONDENTS: COMPLAINANT IN CC:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.2562 of 2007

Dated this the 10th day of August, 2007

O R D E R

The petitioner is the 2nd accused in a case registered in 2003, wherein he faces allegations, inter alia, under Section 471 I.P.C. The petitioner, it is submitted, had appeared before the learned Magistrate and was released on bail. Later, he could not appear before the learned Magistrate on account of reasons beyond his control. Reckoning him as an absconding accused, coercive processes have been issued against the petitioner by the learned Magistrate.

2. According to the petitioner, he is innocent. His absence was not wilful. He is willing to surrender before the learned Magistrate and co-operate for the expeditious disposal of the case and apply for regular bail. But the petitioner apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate.

I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-